REMARKS

Claims 1-4 are pending in this application. Claims 1, 2 and 4 have been withdrawn from consideration. Claims 1, 2 and 4 have been canceled. Claim 3 has been amended. No new matter has been added by this amendment to the claims. Reconsideration is respectfully requested in light of the amendment to claim 3 and the following remarks.

I. Restriction Requirement

The Restriction Requirement placing claims 1 and 2 into Group I, claim 3 into Group II, and claim 4 into Group III has been deemed proper and made Final. Applicant has canceled claims 1, 2 and 4, reserving the right to file continuing applications on the canceled subject matter.

II. Rejection of Claims Under 35 U.S.C. 102(b)

Claim 3 has been rejected under 35 U.S.C. 102(b) as being anticipated by Benson et al. (1996). The Examiner suggests that this reference teaches a method for identifying an agent, NGF, that increases synaptic growth or plasticity after contacting hippocampal neurons and PC-12 test cells with NGF, by detecting increased activation/expression of VGF protein precursor. The Examiner further suggests that increased activation of the VGF precursor nucleic acid sequence during axonal outgrowth and dendritic maturation is detected by the increased presence of selectively and rapidly unregulated translated product through increased binding to VGF antibodies when compared to the activation of the VGF protein precursor in untreated cells.

Applicant respectfully disagrees with the Examiner's conclusions regarding this reference.

Benson and Salton (1996) teach that VGF is a NGF-inducible protein whose expression correlates with PC12 cell neurite outgrowth. Although the paper states in several places that NGF is able to selectively and rapidly upregulate VGF in PC12 cells, citing two other papers by other authors, nowhere does this reference actually provide data showing that contacting cells with NGF or any other agent to selectively upregulate expression of VGF or any other nucleic acid sequence of instant claim 3 as originally filed. Further, nowhere does this paper teach or suggest that contacting cells with any agent, including NGF, and then comprising the level of expression of nucleic acid sequences of VGF to the expression level in cells not contacted with NGF is indicative of activity of that agent to increases synaptic growth or plasticity of cells as claimed. MPEP 2131 states that in order to anticipate a claim, the cited reference must teach each and every limitation of the claim. Clearly the cited reference fails to teach the limitations of claim 3. However, in order to advance the prosecution and facilitate allowance of the claim, Applicant has amended claim 3 to remove reference to VGF. Withdrawal of this rejection is respectfully requested.

III. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record.

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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